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Leza L Olson 08/31/2006 09:19:06 AM From DB/Inbox: Leza L Olson

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Text:

C O N F I D E N T I A L TEL AVIV 03458

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CXTela:  
ACTION: ECON  
INFO: IPSC SCI IMO CONS RES POL DCM AMB AID ADM FCS  
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DISSEMINATION: ECON  
CHARGE: PROG

APPROVED: AMB:RJONES  
DRAFTED: ECON:RRUFFER  
CLEARED: ECON:WWEINSTEIN

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INFO RUEHXX/ARAB ISRAELI COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 TEL AVIV 003458

SIPDIS

E.O. 12958: DECL: 08/30/2016  
TAGS: [KWBG](#) [PGOV](#) [PREL](#) [IS](#)  
SUBJECT: FURTHER ANALYSIS OF MOJ DRAFT PROPOSAL ON ILLEGAL  
OUTPOSTS

REF: TEL AVIV 03438

Classified By: Ambassador Richard H. Jones for reasons 1.4 (b) and (d)

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What Happens to post-March 2001 Outposts?  
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¶1. (C) Dror Etkes, settlement watch coordinator for Peace Now, told econoff on August 30 that there is no specific mention in the draft MOJ proposal about which outposts, whether pre- or post-March 2001, are expected to be retroactively approved. He said that the proposal simply makes it easy for the GOI "to create the tools or platforms to legalize whatever they want." He added that it is also unclear which outposts would be able to receive government funding through the "exceptions committee" (reftel). From his reading of the draft proposal, "there are no restrictions on funding, whether or not the outpost is legal." Econoff asked whether, in theory, the GOI could retroactively approve post-March 2001 outposts, which are supposed to be evacuated based on Israeli commitments to the USG, and then claim to the USG that it cannot evacuate them because they are now legal. Etkes said that in theory the GOI could try to avoid evacuating post-March 2001 outposts that it has authorized, but opined that this is unlikely. He said that there are differences in law and international politics, and he thinks it would be difficult for the GOI to play this card with the USG. He said that ultimately, however, it is clear that Israel is trying to make it easier to build in the West Bank.

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"It's Only a Draft"  
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¶2. (C) Brig. Gen. (ret.) Baruch Spiegel and Lt. Col. Oded Herman told EconCouns and econoff on August 30 that the MOD has not yet formed an official opinion on the draft MOJ

proposal, but stressed that the proposal is in draft form and is not final. Herman added that the Sasson committee is only half-way through its work due to delays caused by Committee Chairman Haim Ramon's judicial problems, and thus still has more details to check into before it produces a final copy. Spiegel said that he expects "a big fight" within the GOI about the proposal, and promised EconCouns that the proposal would not be finalized without consulting with the U.S.

13. (C) Spiegel opined, however, that the draft proposal gives the government more control by spreading the decision-making on where to build to a committee of six ministers, rather than just the Ministry of Defense (MOD). He remarked that Prime Minister Ehud Olmert still wants to talk with the settlers to convince them to move to "legal places," and commented that the GOI still wants to evacuate outposts. Spiegel insisted that the purpose of the proposal was to induce settlers to eventually evacuate West Bank settlements and outposts in a more peaceful manner than took place during Gaza Disengagement.

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Settlers Getting Free Reign?  
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14. (C) After a more careful reading of the draft proposal, Yariv Oppenheimer, secretary general of Peace Now, said that it is "more negative" than he originally thought, and suggested that the U.S. get involved by telling the GOI that the draft proposal is bad. Oppenheimer agreed that the decision on where to build is distributed among six ministers, but added that now the settlers have free reign on what exactly to build, and do not need an MOD signature to get building permits. He explained that the local authorities can decide what gets built and when to expand in the West Bank, whereas before the Defense Minister, at least theoretically, had to "approve every single window" that was placed in the West Bank. He commented that the system to build is currently strict and complicated, even if "we know that the settlers don't always follow it," but said that the proposal now allows the settlers to move and build more easily in the West Bank.

15. (C) In response to econoff's question on why the GOI has formulated this plan, Oppenheimer opined that the government is trying to strike a deal with the settlers to avoid a confrontation over outposts now. According to Oppenheimer, the GOI can evacuate a few outposts to show the U.S. that it is doing something, but in exchange it is trying to co-opt the settlers by retroactively approving some outposts and giving them a freer hand in building in the West Bank. From the GOI's perspective, it considers that "the outposts are small game anyway" because it has assumed that there would be a unilateral withdrawal in the future, and eventually all outposts in the West Bank would have to be dismantled. In essence, the outposts can be approved now to avoid confrontations like Amona because the government thinks they will eventually be evacuated, he explained. The problem is that there is no disengagement plan anymore, Oppenheimer continued, and the settlers clearly gain from these plans. He speculated that Acting Justice Minister Meir Sheetrit would try to change this proposal because he is "trying to change everything that Haim Ramon did, because it's Haim Ramon."

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